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## Legislators drop lawsuit after Collins beefs up ECC funding

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Six Erie County Legislature Democrats have dropped their lawsuit against the county executive now that he has followed their budget decision to give an extra \$208,000 to Erie Community College.

The Democrats had said Chris Collins' months of foot-dragging proved that he does not accept their power to amend a county budget. They saw his delay in delivering ECC's extra aid as ripe for a legal challenge.

They said that under the budget they adopted for 2010, Collins had to release all of the college's operating aid by Aug. 31, the end of its fiscal and academic year.

They figured a State Supreme Court justice would agree and rule that he was wrong to ignore the Legislature's direction and that a county executive must follow a Legislature's legally adopted budget changes and would order him to free the money.

The case, which had been scheduled to be argued today before Justice John F. O'Donnell, was being watched by the cultural agencies and public-benefit corporations that have yet to receive the \$1.7 million that the Legislature wanted to give them this year -- beyond the county executive's original 2010 allocation.

Collins so far refuses to pay out most of the \$1.7 million, arguing that the Legislature backed its extra spending with revenue that might not materialize. However, he made exceptions for a couple of nonprofits connected to county lawmakers friendly to him.

The Democrats' lawsuit also could have affected the current scrape over the 2011 budget. Collins this week began a public campaign against the Legislature's decision to restore \$4 million to the library system and \$1.2 million to cultural agencies, among other things.

Lawmakers also restored jobs in the hard-hit office of his potential political rival, Comptroller Mark C. Poloncarz, after Collins cut the office's staff by 36 percent -- the

deepest cut he imposed on any department run by an elected official.

Collins on Wednesday unleashed a series of radio ads, paid for by his campaign fund, saying that the Legislature wasted taxpayer money by restoring the customary levels of spending he had cut from the 2011 budget. He promised vetoes and said he might declare some Legislature actions "null and void," meaning he will not follow them because he considers them illegal. The Legislature would have to challenge such a determination in court.

With the 2010 ECC allocation, Collins agreed to pay the extra \$208,000 days after lawmakers filed their lawsuit. By doing so, he rendered the case moot, the Democrats' lawyer said.

"Now there is no relief the court can grant," said Charles H. Cobb. "It would just be an academic exercise, a waste of time and money."

The Democrats were unwilling to use taxpayer money for their lawsuit and turned to Cobb, the husband of Democratic Majority Leader Maria R. Whyte of Buffalo, to represent them without charge.

"Personally, I don't think it's a moot point because he forked over the money," said one of the Democrats, Thomas J. Mazur of Cheektowaga. "The question is, did he overstep his bounds as county executive?"

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## Comments

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Is this the same guy most of you thought was the best thing since sliced bread. Well thats right former CEO know it all fooled you once again. Said he was going to run the county goverment like he ran a business. Well got what you asked for right?

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**JAMES LESTER, CAPE CORAL, FL** on Thu Dec 9, 2010 at 07:16 PM

FLAG AS INAPPROPRIATE

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collins paid the money so he would not lose in court again, he knows after his veto"s thier will be another court case and he does not want to be a 3 time loser.

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**DAVE OLDREAD, BUFFALO, NY** on Thu Dec 9, 2010 at 06:30 PM

FLAG AS INAPPROPRIATE

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